

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TRUSTEES FOR THE MICHIGAN)	
CARPENTERS' COUNCIL PENSION)	
FUND, et al.,)	Case No. 4:04-cv-17
)	
Plaintiffs,)	Honorable Joseph G. Scoville
)	
v.)	
)	
MICHAEL D. JONES,)	<u>MEMORANDUM OPINION</u>
)	
Defendant.)	
)	

This was a civil action brought by the Trustees of certain pension and welfare funds to recover fringe benefit contributions that defendant was obligated to pay under the terms of a collective bargaining agreement. By memorandum opinion and judgment entered April 14, 2005, the court granted summary judgment to plaintiffs on their claims against defendant under the Employment Retirement Income Security Act of 1974. The court reserved the issue of costs and attorney's fees awardable to plaintiffs pursuant to 29 U.S.C. § 1132(g)(2)(D), directing plaintiffs to file affidavits and other documents establishing the basis for their claim, under the procedure contemplated by Fed. R. Civ. P. 54(d)(2). Plaintiffs have now filed an affidavit claiming compensation for 20.70 hours of attorney time at \$175 per hour and taxable costs in the total amount of \$249.76. (Aff., docket # 29). The court's previous order granted defendant until May 5, 2005, in which to lodge objections to the reasonableness of plaintiffs' claimed attorney's fees and costs. That time has elapsed without action by defendant.

Upon review of plaintiffs' application for attorney's fees and costs, the court finds that the hours expended by plaintiffs' counsel are reasonable and that the hourly rate is consistent with that charged in this community for like services. The court further finds that the costs sought by plaintiffs are reasonable in amount and are compensable under 28 U.S.C. § 1920. Judgment will therefore be entered in favor of plaintiffs and against defendant for attorney's fees and costs in the amount requested.

Dated: June 2, 2005

/s/ Joseph G. Scoville

United States Magistrate Judge